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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/783,726

Filing Date: February 14, 2001

Appellant(s): LAZARIDIS ET AL.

Shreen K. Danamaraj
Reg. No. 41,696
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/27/2012 appealing from the Office action
mailed 4/13/2012.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Interference No. 105,700

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 102-109, 111, 112 and 122-129 are pending and rejected.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. As discussed in the Advisory action mailed 6/4/2012, the rejection of claims 102-109, 111, 112 and 122-129 under 35 U.S.C. § 112, first paragraph, has been withdrawn.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

5,764,899 Eggleston et al. 6-1998

6,289,105 Murota 7-1996

AirMobile Server (AirMobile Wireless Software for Lotus cc:Mail, Communication

Server Guide, Motorola, 1995)

AirMobile Client (AirMobile Wireless Software for Lotus cc:Mail, Communication

Client Guide, Motorola, 1995)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 102-104, 106-109, 111, 122 and 124-129 are rejected under 35 U.S.C. § 103(a) as being unpatentable over AirMobile (Software for Lotus cc:Mail Wireless, Communication Client Guide, Motorola, 1995) in view of Eggleston et al. (U.S. Patent No. 5,764,899, hereinafter "Eggleston").

With regard to claim 102, AirMobile discloses a method of pushing user data items from a messaging host system ("communication server") to a wireless mobile data communications device that is associated with a user having a mailbox at the messaging host system (p. 9, "Communication Server," p. 10, "User Profile Database," pp. 15-16, wherein mail is received and stored at the communication server, and the mail account is associated with a mobile device according the device ID), the method comprising:

receiving notifications at a redirector component indicating receipt of user data items by the messaging host system, where the notifications are received in response to

receipt of the user data items at the messaging host system (newly received messages are immediately downloaded when they arrive)(p. 30-31);

processing the user data items by the redirector component to add address information associated with the wireless mobile data communication device (required for delivery to the mobile client)(g. 31, ¶1-3);

causing to redirect the user data items, without establishing a connection(messages are delivered “without maintaining a session”)(p. 30), to the wireless mobile data communication device over a wireless network (messages are pushed to the portable PC)(p. 31).

While AirMobile discloses the invention substantially as claimed, it fails to specifically disclose that the user data items are “continuously redirected”, regardless of the availability of the wireless device.

Eggleston discloses a similar system for redirecting messages to a wireless device. Eggleston teaches continuously redirecting data items via a virtual session and identifies the procedure for removing a client from active status and stop attempting to deliver data as a process that is *“preferably included in the VSM”* (col. 7, ll. 37-40). A preferable feature is not required, and one of ordinary skill in the art would have understood Eggleston’s disclosure to mean that the system properly operate, albeit less efficiently, with this feature removed. Therefore, Eggleston at least suggests a system where messages are continuously forwarded, regardless of the availability of the client device. Eggleston additionally discloses that messages are delivered “without establishing a connection session” (col. 7, ll. 10-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to continuously forward the data items to the mobile device, regardless of the device's availability, to ensure the client will be immediately notified of outbound data upon its return to availability, without requiring the device to login again (Eggleston; col. 7, ll. 37-58).

With regard to claim 103, AirMobile disclosed the redirector component is operating on the messaging host system (pg 9 "communication server" and pg 31 ¶s 1-3).

With regard to claim 104, AirMobile disclosed the redirector component is operating on a host system that is couple to the message host system via the network (e.g. the Network file server cc:Mail Postoffice works in tandem with the Windows AirMobile server pg 9).

With regard to claim 106, Eggleston disclosed that messages sent between the wired and wireless systems can be compressed (col. 11, lines 63-67). Given this knowledge, it would have been obvious to a person having ordinary skill in the art to compress the messages, prior to transmission to the gateway, and to decompress the messages at the mobile device, as suggested by Eggleston, in order to increase available bandwidth and to provide faster and less expensive communications (see Eggleston, col. 12, lines 7-9).

With regard to claim 107, AirMobile disclosed the processing step further comprises encoding the copy of the user data item (e.g. transforming a message into the required transmission protocol for the wireless network being utilized prior to pushing a message to the user) (additionally compressing as set forth with regard to claim 106 is a form of encoding).

With regard to claim 108, Examiner takes official notice that the Multipurpose Internet Mail Extensions protocol was widely known and used to communicate email messages between devices at the time of Applicant's invention. Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to encode messages using the MIME protocol within AirMobile' s system in order to communicate messages between devices using a known reliable protocol.

With regard to claim 109, AirMobile disclosed the user data items comprise email messages (pg. 38, "Sending/Transmitting e-mail messages").

With regard to claim 111, AirMobile disclosed that the user data items are continuously redirected to the wireless mobile data communication device over the wireless network via a wireless gateway disposed between a wide area network and the wireless network (see pg 9, Figure 1-1, a gateway is required to interface between the networks).

With regard to claim 112, AirMobile disclosed the step of storing the user data item at the data store associated with the messaging host system (p. 9, "Communication Server," p. 10, "User Profile Database," pp. 15-16, wherein mail is received and stored at the communication server, and the mail account is associated with a mobile device according the device ID).

Claims 122 and 124-129 are rejected using a similar rationale as applied to claims 102-104, 106-109, 111 and 112.

Claims 105 and 123 are rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile Server (AirMobile Wireless Software for Lotus cc:Mail, Communication Server Guide, Motorola, 1995), in view of AirMobile Client (AirMobile Wireless Software for Lotus cc:Mail, Communication Client Guide, Motorola, 1995) further in view of Eggleston et al. (U.S. Patent No. 5,764,899, hereinafter "Eggleston") further in view of Murota (U.S. Patent No. 6,289,105).

Note, the AirMobile Server and AirMobile Client guide present different aspects of the same system, and are therefore are treated as a single system for the purposes of this rejection. They are hereinafter referred to together as "AirMobile" with specific citations to the Server • guide as "AirMobileS" and the Client guide as "AirMobileC."

With regard to claim 105 and 123, AirMobileS disclosed sending messages from the cc:Mail server to the mobile device in a secure fashion (AirMobileS, p. 25, bullet 1 "secure and authenticated virtual wireless communication channel between your laptop and your LAN-based cc:Mail server") however, AirMobile does not disclose using encryption for sending messages in a secure fashion. Nonetheless the use of encryption to send messages securely was widely known in the art at the time of Applicant's invention, as evidenced by at least Murota.

In a similar email system, Murota disclosed encrypting e-mail messages between a sender and a receiver, wherein a message is encrypted at the sending end, is then transmitted over the network to the receiving end, and is finally decrypted at the receiving computer (col. 1, lines 23-48). Murota further disclosed that such an encryption scheme is advantageous because it prevents leaks of secret information to outside, non-intended parties (Murota, col. 1, lines 49-53).

Thus, given the teaching of Murota, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention include an encryption function, as taught by Murota, in conjunction with the redirector component of AirMobile such that messages sent between the AirMobile server and mobile devices are encrypted, in order to prevent outside parties from having access to secret or classified messages.

(10) Response to Argument

Regarding Appellants' **argument 1**), that "AirMobile system is a polling-based message forwarding system and as such is cannot be characterized as a push

architecture encompassed in the claimed embodiments" (Br. 9-12), the Examiner respectfully disagrees.

As an initial matter, it is noted that the current claims fail to define a "push architecture" and merely state in the preamble that the claimed method and instructions effectuate "pushing" data items. Furthermore, AirMobile explicitly discloses that messages are "pushed" out to clients (pp. 30-31). The mere fact that the AirMobile Server reference describes polling that occurs inside the server does not preclude the AirMobile system from being a "push architecture", especially in light of the explicit characterization of AirMobile as a "server push" model within the document itself.

Furthermore, the current claims contain no language that precludes internal server polling, and merely require messages to be "continuously redirect[ed]" to a wireless device without establishing a connection therewith. Nothing about continuous redirection of messages is inconsistent with internal server polling to identify the presence of new messages. So long as messages are continuously identified and redirected, as shown in AirMobile, the current claim limitations are met.

Regarding Appellants' **argument 2**), that "AirMobile system requires a wireless channel connection between the mobile client and the AM server for forwarding messages" (Br. 12-13), the Examiner respectfully disagrees.

This argument refers to the Final Office action's reliance on AirMobile to teach delivery "without maintaining a session", which was directed to the claim filed

5/23/2012. The word “session” was removed via amendment entered by the Examiner and addressed in the Advisory Action mailed 6/4/2012.

Nonetheless, AirMobile and Eggleston collectively teach the current limitation of “causing to continuously redirect the user data items … without establishing a connection therewith”. AirMobile discloses that a virtual wireless communication channel is provided to enable messages to be immediately downloaded (p. 30). Eggleston further describes this virtual channel and makes it clear that messages are “continuously redirected” across the virtual channel without “establishing a connection”, since the data is “delivered in a sessionless mode” (col. 7, ll. 10-11). The virtual session is established at the registration phase (col. 6, ll. 25-55), and the messages are redirected without establishing a connection between the server and the client.

It is additionally noted that the current claims do not preclude the client and server from establishing a connection at any time. They merely require “continuously redirect[ing]” messages “without establishing a connection”. The virtual session used by AirMobile and Eggleston is established prior to any messages being identified and the redirection process occurs without establishing a connection.

Regarding Appellants' **argument 3**), that “Eggleston also teaches a virtual session based communication architecture that requires a connection with the mobile client” (Br. 13-22), the Examiner respectfully disagrees.

Regarding Appellants' assertion that interpreting the language “without establishing a connection therewith” to mean “regardless of the availability of the

wireless device", it is noted that Appellants previously argued that messages are forwarded "regardless of" for example, where there is no connection with the mobile device (Remarks filed 6/6/2011, p. 13). Nonetheless, the Examiner agrees that the current claims do not explicitly recite "regardless of the availability of the wireless device".

As discussed above, the virtual session of Eggleston/AirMobile is not a "connection established" for "continuously redirect[ing]" the user data items. Appellants argue that Eggleston's disclosure of delivery "in a sessionless mode" does not show delivery "without establishing a connection". As discussed above, the virtual session is established prior to any message redirection, and the redirection is performed "without establishing a connection".

Appellants additionally argue that Eggleston's disclosure of a timer mechanism serves as evidence of a "connection" because its inclusion means that inefficient resource usage is caused by "the virtual connection is still up, but there is no activity on it" (Br. 21). However, this is a mischaracterization of Eggleston. Eggleston discloses that the inefficient resource usage is caused by "querying a host or attempting to deliver data when the client is no longer receiving" (col. 7, ll. 33-37), not because of the mere existence of the virtual session. When nothing is sent over the virtual session, it is not using the communication channel. That is the very purpose of using a "virtual session", and the rationale behind the optional timeout mechanism, since the "virtual session" need not transmit any data to be maintained.

Appellants also present declarations from Andrew Seybol and Brad Karp. The relevant portions of these documents attempt to argue that the AirMobile/Eggleston system requires establishment of a virtual session.

While the Examiner readily admits that AirMobile/Eggleston does establish a virtual session, AirMobile/Eggleston nonetheless "continuously redirect[s]" the messages without "establishing a connection". The virtual session is established prior to any redirection and no connection is established during the redirection operation.

The current claims do not preclude establishment of a session at any time, only during redirection of user data items.

In summary, Appellants principally argue that the "virtual session" used by AirMobile/Eggleston is inconsistent with "continuously redirect[ing]" user data items to a mobile device "without establishing a connection therewith". Appellants previously argued that this "continuous redirect[ion]" differed from the prior art "pull" systems since it does not require a client to establish a connection with a server and request transmission of data items (Remarks filed 5/23/2012, pp. 11-12). The Examiner notes that AirMobile/Eggleston also deliver messages without requiring the client to establish a connection and request messages, and use a so-called "push" architecture to deliver messages.

Additionally, the "virtual session" used by AirMobile/Eggleston is established outside of the "continuous redirect[ion]" of messages, and thus is not precluded by the present claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Aaron Strange/

Primary Examiner, Art Unit 2448

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